

H - 3/12/98 Human Resources
H. 3/19/98 Do Pass
H. 3/28/98
UNFINISHED BUSINESS CALENDAR
FILED FEB 24 1998

SENATE FILE 2312
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 2155)

Passed Senate, Date ^(P. 609) 3/10/98 Passed House, Date ^(P. 1257) 4-3-98
Vote: Ayes 41 Nays 4 Vote: Ayes 95 Nays 0
Approved April 20, 1998

A BILL FOR

1 An Act providing for child day care requirements for volunteers
2 and for the number of children receiving care under the child
3 care home pilot projects and providing an effective date.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2312

1 Section 1. Section 237A.3A, subsection 10, paragraphs c
2 and d, Code Supplement 1997, are amended to read as follows:

3 c. In addition to the number of children authorized in
4 paragraph "a", not more than ~~two~~ five children who attend
5 school may be present for a period of less than two hours at
6 any one time.

7 d. Not more than ~~eight~~ eleven children shall be present at
8 any one time when an inclement weather exception is in effect.

9 Sec. 2. Section 237A.5, Code Supplement 1997, is amended
10 by adding the following new subsection:

11 NEW SUBSECTION. 7. A person who serves as an unpaid
12 volunteer in a child day care facility shall not be required
13 to complete training as a mandatory reporter of child abuse
14 under section 232.69 or under any other requirement.

15 Sec. 3. CHILD CARE HOME PILOT PROJECTS -- TRANSITION
16 EXCEPTION. The exception provisions of this section are
17 applicable to child care homes registering under section
18 237A.3A during a transition period beginning with the
19 effective date of this Act and ending two years from that
20 date. During the transition period, notwithstanding section
21 237A.3A, a child care home provider registered with the
22 department of human services who is providing child day care
23 to four infants at the time of registration in the pilot
24 project at level I, II, or III may continue to provide care to
25 those four infants. However, if the child care home no longer
26 provides care to one or more of the infants or one or more of
27 the infants reaches the age of twenty-four months, the
28 transition period exception authorized in this section shall
29 no longer apply. The overall limitation on the number of
30 children authorized for the level of care remains applicable.

31 Sec. 4. EFFECTIVE DATE. This Act, being deemed of
32 immediate importance, takes effect upon enactment.

33 EXPLANATION

34 This bill provides for child day care requirements for
35 volunteers and for the number of children who may receive care

1 under the child care home pilot projects and provides an
2 immediate effective date.

3 The bill amends Code section 237A.3A, which authorizes the
4 child care home pilot projects in two counties of the state,
5 to allow a provider registered at level I to care for
6 additional school-age children for limited periods of time.
7 Current law authorizes a level I provider to provide care to
8 not more than two school-age children for periods of up to two
9 hours. The bill increases this number to five school-age
10 children. The bill also increases the number of children who
11 may be cared for during an inclement weather exception from
12 eight to 11 children to match the school-age increase.

13 Code section 237A.5 is amended to provide that a person who
14 serves as an unpaid volunteer in a child day care facility is
15 not required to complete training as a mandatory reporter of
16 child abuse.

17 In addition, the bill establishes a two-year transition
18 period exception for registered child day care providers who
19 register with the pilot projects at level I, II, or III.
20 Current law restricts the number of infants at these levels to
21 not more than three. Under the exception, the provider may
22 continue to provide care for up to four infants who were
23 receiving care at the time of registration with the pilot
24 project. The exception continues until one of the four
25 infants no longer receives care from the provider or reaches
26 the age of 24 months. The overall number of children
27 authorized for the level of care stays the same. The
28 exception period begins on the bill's effective date and
29 continues for two years.

30 The bill takes effect upon enactment.

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SENATE FILE 2312

S-5157

1 Amend Senate File 2312 as follows:

DIV 2 1. Page 1, line 6, by inserting after the word
B 3 "time." the following: "Inclusion of additional
4 children pursuant to this paragraph shall be limited
5 to the extent necessary for compliance with the
6 requirements for the amount of space available in the
7 child care home for the number of children present."

8 2. Page 1, by inserting after line 8 the
9 following:

10 "Sec. ____ . Section 237A.3A, subsection 10, Code
11 Supplement 1997, is amended by adding the following
12 new paragraph:

13 NEW PARAGRAPH. e. If more than eight children are
14 present at any one time, the provider shall be
15 assisted by a responsible person who is at least
16 fourteen years of age."

DIV 17 3. Page 1, lines 11 and 12, by striking the words
A 18 "A person who serves as an unpaid volunteer in a child
19 day care facility" and inserting the following:
20 "Unless a person serving as an unpaid volunteer in a
21 child day care facility is included in the facility's
22 staffing ratio, the person".

23 4. By renumbering as necessary.

By TOM FLYNN
KITTY REHBERG

S-5157 FILED MARCH 10, 1998

DIV A - WITHDRAWN, DIV B - ADOPTED

(P.609)

SENATE FILE **2312**
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO SF 2155)

(AS AMENDED AND PASSED BY THE SENATE MARCH 10, 1998)

~~_____~~ - New Language by the Senate

Passed Senate, Date ^(P.1157) 4-9-98 Passed House, Date ^(P.1257) 4-3-98
Vote: Ayes 46 Nays 3 Vote: Ayes 95 Nays 0
Approved April 20, 1998

A BILL FOR

- 1 An Act providing for child day care requirements for volunteers
- 2 and for the number of children receiving care under the child
- 3 care home pilot projects and providing an effective date.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
- 5

S.F. 2312

SENATE FILE 2312

H-8897

1 Amend the amendment, H-8838, to Senate File 2312,
 2 as amended, passed, and reprinted by the Senate, as
 3 follows:
 4 1. Page 1, line 9, by inserting after the word
 5 "availability" the following: ", accessibility,
 6 affordability, and quality".

By BARRY of Harrison
BURNETT of Story

H-8897 FILED APRIL 3, 1998

Adopted
4-3-98 (P.1256)

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1 Section 1. Section 237A.3A, subsection 10, paragraphs c
2 and d, Code Supplement 1997, are amended to read as follows:

3 c. In addition to the number of children authorized in
4 paragraph "a", not more than two five children who attend
5 school may be present for a period of less than two hours at
6 any one time. Inclusion of additional children pursuant to
7 this paragraph shall be limited to the extent necessary for
8 compliance with the requirements for the amount of space
9 available in the child care home for the number of children
10 present.

11 d. Not more than eight eleven children shall be present at
12 any one time when an inclement weather exception is in effect.

13 Sec. 2. Section 237A.3A, subsection 10, Code Supplement
14 1997, is amended by adding the following new paragraph:

15 NEW PARAGRAPH. e. If more than eight children are present
16 at any one time, the provider shall be assisted by a
17 responsible person who is at least fourteen years of age.

18 Sec. 3. Section 237A.5, Code Supplement 1997, is amended
19 by adding the following new subsection:

20 NEW SUBSECTION. 7. A person who serves as an unpaid
21 volunteer in a child day care facility shall not be required
22 to complete training as a mandatory reporter of child abuse
23 under section 232.69 or under any other requirement.

24 Sec. 4. CHILD CARE HOME PILOT PROJECTS -- TRANSITION
25 EXCEPTION. The exception provisions of this section are
26 applicable to child care homes registering under section
27 237A.3A during a transition period beginning with the
28 effective date of this Act and ending two years from that
29 date. During the transition period, notwithstanding section
30 237A.3A, a child care home provider registered with the
31 department of human services who is providing child day care
32 to four infants at the time of registration in the pilot
33 project at level I, II, or III may continue to provide care to
34 those four infants. However, if the child care home no longer
35 provides care to one or more of the infants or one or more of

1 the infants reaches the age of twenty-four months, the
2 transition period exception authorized in this section shall
3 no longer apply. The overall limitation on the number of
4 children authorized for the level of care remains applicable.

5 Sec. 5. EFFECTIVE DATE. This Act, being deemed of
6 immediate importance, takes effect upon enactment.

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SENATE FILE 2312

8756

Amend Senate File 2312, as amended, passed, and reprinted by the Senate, as follows:

1. Page 1, by striking lines 1 through 17 and inserting the following:

"Section 1. Section 237A.3A, subsection 3, paragraph d, Code Supplement 1997, is amended to read as follows:

d. (1) Four levels of registration requirements are applicable to registered child care homes in accordance with subsections 10 through 13 and rules adopted to implement this section. The rules shall apply requirements to each level for the amount of space available per child, provider qualifications and training, and other minimum standards.

(2) The rules shall allow a child day care home to be registered at level II, III, or IV for which the provider is qualified even though the amount of space required to be available for the maximum number of children authorized for that level exceeds the actual amount of space available in that child care home. However, the total number of children authorized for the child care home at that level of registration shall be limited by the amount of space available per child.

Sec. ____ . Section 237A.3A, subsection 13, paragraph a, Code Supplement 1997, is amended to read as follows:

a. Except as otherwise provided in this subsection, not more than twelve children shall be present at any one time. If more than ~~seven~~ eight children are present, a second person must be present who meets the individual qualifications for child care home registration established by rule of the department."

2. Page 1, by striking lines 29 through 31 and inserting the following: "date. During the transition period, the following provisions shall apply, notwithstanding section 237A.3A:

1. A child care home provider who is providing child day care".

3. Page 2, by inserting after line 4 the following:

"2. A child care home provider who at the time of registration in the pilot project at level I, II, or III is providing child day care to school age children in excess of the number of school age children authorized for the registration level may continue to provide care for those children. The child care home provider may exceed the total number of children authorized for the level of registration by the number

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1 of school age children in excess of the number
2 authorized for the registration level. This
3 transition period exception is subject to all of the
4 following:
5 a. The provider must comply with the other
6 requirements as to number of children which are
7 applicable to that registration level.
8 b. The maximum number of children attributable to
9 the authorization for school age children at the
10 applicable registration level is five.
11 c. If more than eight children are present at any
12 one time, the provider shall be assisted by a
13 responsible person who is at least fourteen years of
14 age.
15 d. If the child care home no longer provides care
16 to an individual school age child who was receiving
17 care at the time of the registration, the excess
18 number of children allowed under the transition period
19 exception shall be reduced accordingly."

By MURPHY of Dubuque

H-8756 FILED MARCH 26, 1998

Adopted 4-3-98 (P.1256)

SENATE FILE 2312

H-8838

1 Amend Senate File 2312, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 2, by inserting after line 4 the
4 following:
5 "Sec. ____ CHILD DAY CARE AVAILABILITY. The
6 department of human services shall consult with the
7 child day care advisory council and child day care
8 resource and referral services in studying the
9 availability of child day care services in the state.
10 The report of the study shall be submitted to the
11 governor and the general assembly by January 1, 1999.
12 The report shall include estimates as to the need for
13 child day care services in all areas of the state, the
14 availability of providers versus the need, and
15 identification of the areas with the greatest need and
16 the extent of the need."
17 2. By renumbering as necessary.

By BARRY of Harrison
MURPHY of Dubuque

H-8838 FILED MARCH 31, 1998

*Adopted
4-3-98
(P.1256)*

HOUSE AMENDMENT TO
SENATE FILE 2312

-5502

1 Amend Senate File 2312, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 17 and
4 inserting the following:

5 "Section 1. Section 237A.3A, subsection 3,
6 paragraph d, Code Supplement 1997, is amended to read
7 as follows:

8 d. (1) Four levels of registration requirements
9 are applicable to registered child care homes in
10 accordance with subsections 10 through 13 and rules
11 adopted to implement this section. The rules shall
12 apply requirements to each level for the amount of
13 space available per child, provider qualifications and
14 training, and other minimum standards.

15 (2) The rules shall allow a child day care home to
16 be registered at level II, III, or IV for which the
17 provider is qualified even though the amount of space
18 required to be available for the maximum number of
19 children authorized for that level exceeds the actual
20 amount of space available in that child care home.
21 However, the total number of children authorized for
22 the child care home at that level of registration
23 shall be limited by the amount of space available per
24 child.

25 Sec. ____ . Section 237A.3A, subsection 13,
26 paragraph a, Code Supplement 1997, is amended to read
27 as follows:

28 a. Except as otherwise provided in this
29 subsection, not more than twelve children shall be
30 present at any one time. If more than ~~seven~~ eight
31 children are present, a second person must be present
32 who meets the individual qualifications for child care
33 home registration established by rule of the
34 department."

35 2. Page 1, by striking lines 29 through 31 and
36 inserting the following: "date. During the
37 transition period, the following provisions shall
38 apply, notwithstanding section 237A.3A:

39 1. A child care home provider who is providing
40 child day care".

41 3. Page 2, by inserting after line 4 the
42 following:

43 "2. A child care home provider who at the time of
44 registration in the pilot project at level I, II, or
45 III is providing child day care to school age children
46 in excess of the number of school age children
47 authorized for the registration level may continue to
48 provide care for those children. The child care home
49 provider may exceed the total number of children
50 authorized for the level of registration by the number

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1 of school age children in excess of the number
2 authorized for the registration level. This
3 transition period exception is subject to all of the
4 following:

5 a. The provider must comply with the other
6 requirements as to number of children which are
7 applicable to that registration level.

8 b. The maximum number of children attributable to
9 the authorization for school age children at the
10 applicable registration level is five.

11 c. If more than eight children are present at any
12 one time, the provider shall be assisted by a
13 responsible person who is at least fourteen years of
14 age.

15 d. If the child care home no longer provides care
16 to an individual school age child who was receiving
17 care at the time of the registration, the excess
18 number of children allowed under the transition period
19 exception shall be reduced accordingly."

20 4. Page 2, by inserting after line 4 the
21 following:

22 "Sec. ____ . CHILD DAY CARE AVAILABILITY. The
23 department of human services shall consult with the
24 child day care advisory council and child day care
25 resource and referral services in studying the
26 availability, accessibility, affordability, and
27 quality of child day care services in the state. The
28 report of the study shall be submitted to the governor
29 and the general assembly by January 1, 1999. The
30 report shall include estimates as to the need for
31 child day care services in all areas of the state, the
32 availability of providers versus the need, and
33 identification of the areas with the greatest need and
34 the extent of the need."

35 5. By renumbering, relettering, or redesignating
36 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5502 FILED APRIL 6, 1998

Senate Concurred
4-9-98
(p. 1156)

SENATE FILE 2312

AN ACT

PROVIDING FOR CHILD DAY CARE REQUIREMENTS FOR VOLUNTEERS AND FOR THE NUMBER OF CHILDREN RECEIVING CARE UNDER THE CHILD CARE HOME PILOT PROJECTS AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 237A.3A, subsection 3, paragraph d, Code Supplement 1997, is amended to read as follows:

d. (1) Four levels of registration requirements are applicable to registered child care homes in accordance with subsections 10 through 13 and rules adopted to implement this section. The rules shall apply requirements to each level for the amount of space available per child, provider qualifications and training, and other minimum standards.

(2) The rules shall allow a child day care home to be registered at level II, III, or IV for which the provider is qualified even though the amount of space required to be

available for the maximum number of children authorized for that level exceeds the actual amount of space available in that child care home. However, the total number of children authorized for the child care home at that level of registration shall be limited by the amount of space available per child.

Sec. 2. Section 237A.3A, subsection 13, paragraph a, Code Supplement 1997, is amended to read as follows:

a. Except as otherwise provided in this subsection, not more than twelve children shall be present at any one time. If more than seven eight children are present, a second person must be present who meets the individual qualifications for child care home registration established by rule of the department.

Sec. 3. Section 237A.5, Code Supplement 1997, is amended by adding the following new subsection:

NEW SUBSECTION. 7. A person who serves as an unpaid volunteer in a child day care facility shall not be required to complete training as a mandatory reporter of child abuse under section 232.69 or under any other requirement.

Sec. 4. CHILD CARE HOME PILOT PROJECTS -- TRANSITION EXCEPTION. The exception provisions of this section are applicable to child care homes registering under section 237A.3A during a transition period beginning with the effective date of this Act and ending two years from that date. During the transition period, the following provisions shall apply, notwithstanding section 237A.3A:

1. A child care home provider who is providing child day care to four infants at the time of registration in the pilot project at level I, II, or III may continue to provide care to those four infants. However, if the child care home no longer provides care to one or more of the infants or one or more of the infants reaches the age of twenty-four months, the transition period exception authorized in this section shall no longer apply. The overall limitation on the number of children authorized for the level of care remains applicable.

2. A child care home provider who at the time of registration in the pilot project at level I, II, or III is providing child day care to school age children in excess of the number of school age children authorized for the registration level may continue to provide care for those children. The child care home provider may exceed the total number of children authorized for the level of registration by the number of school age children in excess of the number authorized for the registration level. This transition period exception is subject to all of the following:

a. The provider must comply with the other requirements as to number of children which are applicable to that registration level.

b. The maximum number of children attributable to the authorization for school age children at the applicable registration level is five.

c. If more than eight children are present at any one time, the provider shall be assisted by a responsible person who is at least fourteen years of age.

d. If the child care home no longer provides care to an individual school age child who was receiving care at the time of the registration, the excess number of children allowed under the transition period exception shall be reduced accordingly.

Sec. 5. CHILD DAY CARE AVAILABILITY. The department of human services shall consult with the child day care advisory council and child day care resource and referral services in studying the availability, accessibility, affordability, and quality of child day care services in the state. The report of the study shall be submitted to the governor and the general assembly by January 1, 1999. The report shall include estimates as to the need for child day care services in all areas of the state, the availability of providers versus the need, and identification of the areas with the greatest need and the extent of the need.

Sec. 6. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

MARY E. KRAMER
President of the Senate

RON J. CORBETT
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2312, Seventy-seventh General Assembly.

MARY PAT GUNDERSON
Secretary of the Senate

Approved April 20, 1998

TERRY E. BRANSTAD
Governor